

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DAVID E. CARTER,

Petitioner,

– *against* –

ANTHONY ANNUCCI,

Respondent.

ORDER

22-cv-9019 (ER)

RAMOS, D.J.:

David E. Carter, proceeding *pro se*, filed the instant petition for a writ of *habeas corpus* on May 10, 2022, in the United States District Court for the Eastern District of New York. Doc.

1. The case was transferred to this Court on October 20, 2022. On October 24, 2022, the Court referred the case to Magistrate Judge Sarah Netburn. Doc. 21.

Magistrate Judge Netburn issued a report and recommendation (“R&R”) on August 16, 2023, recommending that the petition be denied in its entirety. Doc. 90. The R&R made clear to the parties that they had fourteen days from its service to file written objections. *Id.* at 26–27. That period has passed, and no objection to the R&R has been filed. Nor has Carter requested an extension of time to do so.

I. STANDARD OF REVIEW

A district court reviewing a magistrate judge’s report and recommendation “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). Parties may raise “specific,” “written” objections to the report and recommendation “[w]ithin fourteen days after being served with a copy.” *Id.*; *see also* Fed. R. Civ. P. 72(b)(2).

A district court reviews *de novo* those portions of the report and recommendation to which timely and specific objections are made. 28 U.S.C. § 636(b)(1)(C); *see also United States v. Male Juvenile (95-CR-1074)*, 121 F.3d 34, 38 (2d Cir. 1997). The district court may adopt those parts of the report and recommendation to which no party has timely objected, provided no clear error is apparent from the face of the record. *Lewis v. Zon*, 573 F. Supp. 2d 804, 811 (S.D.N.Y. 2008).

II. DISCUSSION

Notwithstanding that no objections were filed, the Court reviewed Magistrate Judge Netburn's thorough and well-reasoned report and finds no error, clear or otherwise. The Court therefore adopts Magistrate Judge Netburn's recommendations.

For the reasons set forth above, the petition for a writ of *habeas corpus* is DENIED. The Clerk of the Court is respectfully directed to terminate the petition, Doc. 1, and close the case.

It is SO ORDERED.

Dated: September 5, 2023
New York, New York

A handwritten signature in blue ink, appearing to read 'Edgardo Ramos', is written above a horizontal line.

EDGARDO RAMOS, U.S.D.J.